

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEINANI DESLANDES, on behalf)
of herself and all others)
similarly situated,) Case No. 17-CV-4857
Plaintiff,)
vs.) MOTION HEARING
(held telephonically)
MCDONALD'S USA, LLC, a)
Delaware limited liability) Chicago, Illinois
company,) Date: March 2, 2022
Defendant.) Time: 9:30 a.m.

TRANSCRIPT OF MOTION HEARING
HELD TELEPHONICALLY BEFORE
THE HONORABLE JUDGE JORGE L. ALONSO
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

For the Plaintiff: Anne B. Shaver, Esq.
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(appeared telephonically)
-and-
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(Appearances continued on the next page.)

THE COURT REPORTER: Annette M. Montalvo, CSR, RDR, CRR
Official Court Reporter
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1 APPEARANCES: (Cont'd)

2

3 For the Defendant: Rachel Brass, Esq.
4 Caeli A. Higney, Esq.
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-and-

7 Robert M. Andalman, Esq.
8 A & G Law LLC
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12 (appeared telephonically)

11 For the United States of America: Peter Bozzo, Esq.
12 United States Department of Justice
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21 Proceedings reported by machine shorthand, transcript produced
22 by computer-aided transcription.

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24 Court Reporter: Annette M. Montalvo, CSR, RDR, CRR
25 Official Court Reporter
United States Courthouse, Room 1902
219 South Dearborn Street
Chicago, Illinois 60604
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1 (Proceedings commenced at 9:32 a.m., in open court, via
2 teleconference, to wit:)

3 THE COURTROOM DEPUTY: 17-CV-4857, *Deslandes v.*
4 *McDonald's*.

5 THE COURT: Good morning. This is Judge Alonso. I
6 am here in the courtroom, and we are proceeding via
7 teleconference this morning.

8 Let's have the attorneys identify themselves. Let's
9 start with the plaintiff's attorneys, then the defense, then
10 the United States, the movant.

11 MS. SHAVER: Good morning, Your Honor. This is Anne
12 Shaver from Lief Cabraser Heimann & Bernstein, for the
13 plaintiff.

14 MS. BRASS: Good morning, Your Honor. Rachel Brass,
15 from Gibson, Dunn & Crutcher, for the defendant. I am joined
16 by my partner, Caeli Higney.

17 MR. ANDALMAN: Your Honor, Robert Andelman, local
18 counsel for McDonald's.

19 MR. BOZZO: Good morning, Your Honor. This is Peter
20 Bozzo from the Department of Justice on behalf of the United
21 States.

22 THE COURT: Good morning, everyone.

23 We are here on the United States' motion. They are
24 the movant. It's the United States' motion for leave to file
25 a statement of interest. As that motion points out, Section

1 517 of Title 28 allows the Solicitor General or any officer of
2 the Department of Justice to be sent by the Attorney General
3 to any state or district in the United States to attend to the
4 interests of the United States in a suit pending in a court of
5 the United States, or in a court of a state, or to attend to
6 any other interest of the United States. That is, again,
7 Section 517.

8 In its motion, the government did not attach a copy
9 of its proposed statement of interest, and the United States
10 does not say in its briefs what its interests are. Obviously,
11 the United States is not a party, and as far as I can see, the
12 case does not touch on political issues or any foreign policy.
13 It appears that the government, more specifically, the
14 executive branch, would like me to have the benefit of its
15 current position with regard to defendant's pending
16 dispositive motion. The government's motion is fully briefed,
17 there has been a response in opposition by the defense, as
18 well as a reply.

19 I will note that the request seems harmless enough,
20 and while I do appreciate that I cannot have too much
21 information, and I cannot know too much, I will respectfully
22 deny the motion. I am going to do that based upon principles
23 of separation of power. In that regard, I am guided by the US
24 Supreme Court and the Constitution itself. Article III
25 created an independent judiciary and commands that the

1 independence of the judicial branch be jealously guided. I am
2 guided by *Northern Pipeline Construction Company v. Marathon*
3 *Pipe Line Company*, 458 U.S. 50. It is the Supreme Court from
4 1982, and, again, guided by the Constitution itself.

5 I will also note that even though it is no bar, I
6 will note the procedural posture that we are in, the age of
7 the case. So while I appreciate the government's interest,
8 and I will note that there is a change in its position, as
9 always, I will rule on the motion based on the facts that are
10 properly before me and principles of *stare decisis*.

11 So, again, respectfully, the motion is denied. It is
12 number 446. And I will rule on the pending motion
13 electronically.

14 Thank you.

15 (Proceedings concluded at 9:36 a.m.)

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REPORTER'S CERTIFICATE

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20 I, ANNETTE M. MONTALVO, do hereby certify that the
21 above and foregoing constitutes a true and accurate transcript
22 of my stenographic notes and is a full, true and complete
23 transcript of the proceedings.

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Dated this 3rd day of March, 2022.

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/s/Annette M. Montalvo
Annette M. Montalvo, CSR, RDR, CRR
Official Court Reporter